

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**JOHN ALLEN, JR. LAWON ALLEN, JR,  
DECEDENT’S SURVIVING HEIRS AND  
AS REPRESENTATIVES OF THE  
ESTATE OF JOHN ALLEN, SR.,  
DECEASED,  
Plaintiffs,**

**V.**

**JAY HAYS, HOUSTON POLICE OFFICER,  
IN HIS INDIVIDUAL CAPACITY,  
UNKNOWN DEFENDANT JOHN DOE,  
HOUSTON POLICE OFFICER, IN HIS  
INDIVIDUAL CAPACITY AND THE CITY  
OF HOUSTON,  
Defendants.**

[illegible]

**Civil Case No.: 4:18-cv-00171**

**DEFENDANTS J.T. HAYES AND CITY OF HOUSTONS'**  
**SUPPLEMENTAL DISCLOSURES**

TO THE HONORABLE JUDGE OF SAID COURT:

In accordance with Rule 26(a), Federal Rules of Civil Procedure, and the Court’s June 16, 2020 order [Doc. #50], Defendants J.T. HAYES (improperly named as Jay Hays) and CITY OF HOUSTON (collectively “City Defendants” or by individual name) provide the following supplemental responses to their January 29, 2018 disclosures:

**A. Persons Likely to Have Discoverable Information That May be Used to Support Claims or Defenses (Rule 26(a)(1)(A)(i)):**

1. Allen, John, Jr., c/o Ms. Debra Jennings, 6140 HWY 6, #269, Missouri City, Texas 77459 (832-442-3700) or Ms. U.A. Lewis, 99 Detering, Suite #101, Houston, Texas 77002 (713-570-6555). Plaintiff who is expected to testify about the injuries and damages that resulted from the alleged misconduct of the City Defendants.
2. Allen, Lawon, c/o Ms. Debra Jennings, 6140 HWY 6, #269, Missouri City, Texas 77459 (832-442-3700) or Ms. U.A. Lewis, 99 Detering, Suite #101, Houston, Texas 77002 (713-570-

Defendants Hayes and COH  
Supplemental Disclosures

6555). Plaintiff who is expected to testify about the injuries and damages that resulted from the alleged misconduct of the City Defendants.

3. Allen, Sherman, 5231 Newkirk, Houston, Texas 77021 (phone number unknown). Father of decedent who may testify about Plaintiffs' injuries and damages that resulted from the alleged misconduct of the City Defendants.

4. Arterberry, Shanell, 3200 Anita Street, Houston, Texas 77004 (214-527-7865). Witness to the events at issue in this lawsuit.

5. Ayala, Jessica, Houston Forensic Science Center, Forensic Analysis Division, 1200 Travis, Houston, Texas 77002 (713-308-2600). May have knowledge of the criminal investigation of events at issue in this lawsuit under HPD-Offense Reports #1419998-15 and #1429042-15, including any forensic testing done under HFSC Forensic #2015-14993 and/or the autopsy report under HFSC Med-Legal #15-3921.

6. Chong, Y., Houston Forensic Science Center, Forensic Analysis Division, 1200 Travis, Houston, Texas 77002 (713-308-2600). May have knowledge of the criminal investigation of events at issue in this lawsuit under HPD-Offense Reports #1419998-15 and #1429042-15, including any forensic testing done under HFSC Forensic #2015-14993 and/or the autopsy report under HFSC Med-Legal #15-3921.

7. Connor Michael, Harris County District Attorney's Office, Criminal Justice Center, 1201 Franklin, Suite 600, Houston, Texas 77002-1901 (713-274-5800). May have knowledge of the criminal investigation and prosecutorial review of the events at issue in this lawsuit under HPD-Offense Reports #1419998-15, #1429042-15 and #1420547-15.

8. Ellis, Shirley, 3508 Napoleon, Houston, Texas 77004 (832-805-4560). Common-law wife of decedent, John Allen, Sr., who may have knowledge of the events at issue in this lawsuit.

9. Evans, Quannel (a/k/a Quannel X), 2428 Southmore Blvd., Houston, Texas 77004 (713-805-0726). Community activist who may have third-hand knowledge of the events at issue in this lawsuit.

10. Gastineau, T., Houston Forensic Science Center, Forensic Analysis Division, 1200 Travis, Houston, Texas 77002 (713-308-2600). May have knowledge of the criminal investigation of events at issue in this lawsuit under HPD-Offense Reports #1419998-15 and #1429042-15, including any forensic testing done under HFSC Forensic #2015-14993 and/or the autopsy report under HFSC Med-Legal #15-3921.

11. Gray, M., Harris County District Attorney's Office, Criminal Justice Center, 1201 Franklin, Suite 600, Houston, Texas 77002-1901 (713-274-5800). May have knowledge of the criminal investigation and prosecutorial review of the events at issue in this lawsuit under HPD-Offense Reports #1419998-15, #1429042-15 and #1420547-15.

12. Guale, Fessessework, Houston Forensic Science Center, Forensic Analysis Division, 1200 Travis, Houston, Texas 77002 (713-308-2600). May have knowledge of the criminal investigation of events at issue in this lawsuit under HPD-Offense Reports #1419998-15 and #1429042-15, including any forensic testing done under HFSC Forensic #2015-14993 and/or the autopsy report under HFSC Med-Legal #15-3921.
13. Hookano, Ryan, Houston Forensic Science Center, Forensic Analysis Division, 1200 Travis, Houston, Texas 77002 (713-308-2600). May have knowledge of the criminal investigation of events at issue in this lawsuit under HPD-Offense Reports #1419998-15 and #1429042-15, including any forensic testing done under HFSC Forensic #2015-14993 and/or the autopsy report under HFSC Med-Legal #15-3921.
14. Lozano, L., Houston Forensic Science Center, Forensic Analysis Division, 1200 Travis, Houston, Texas 77002 (713-308-2600). May have knowledge of the criminal investigation of events at issue in this lawsuit under HPD-Offense Reports #1419998-15 and #1429042-15, including any forensic testing done under HFSC Forensic #2015-14993 and/or the autopsy report under HFSC Med-Legal #15-3921.
15. Milton, Roger, M.D., Houston Forensic Science Center, Forensic Analysis Division, 1200 Travis, Houston, Texas 77002 (713-308-2600). Assistant medical examiner who may have knowledge of the autopsy conducted on decedent, John Allen, Sr., under HFSC Med-Legal #15-3921.
16. Mushtaq, Kimberly Jones, Houston Forensic Science Center, Forensic Analysis Division, 1200 Travis, Houston, Texas 77002 (713-308-2600). May have knowledge of the criminal investigation of events at issue in this lawsuit under HPD-Offense Reports #1419998-15 and #1429042-15, including any forensic testing done under HFSC Forensic #2015-14993 and/or the autopsy report under HFSC Med-Legal #15-3921.
17. Nally, Melissa, Houston Forensic Science Center, Forensic Analysis Division, 1200 Travis, Houston, Texas 77002 (713-308-2600). May have knowledge of the criminal investigation of events at issue in this lawsuit under HPD-Offense Reports #1419998-15 and #1429042-15, including any forensic testing done under HFSC Forensic #2015-14993 and/or the autopsy report under HFSC Med-Legal #15-3921.
18. Okam, M., Houston Forensic Science Center, Forensic Analysis Division, 1200 Travis, Houston, Texas 77002 (713-308-2600). May have knowledge of the criminal investigation of events at issue in this lawsuit under HPD-Offense Reports #1419998-15 and #1429042-15, including any forensic testing done under HFSC Forensic #2015-14993 and/or the autopsy report under HFSC Med-Legal #15-3921.
19. Palatino, April, Houston Forensic Science Center, Forensic Analysis Division, 1200 Travis, Houston, Texas 77002 (713-308-2600). May have knowledge of the criminal investigation of events at issue in this lawsuit under HPD-Offense Reports #1419998-15 and #1429042-15,

including any forensic testing done under HFSC Forensic #2015-14993 and/or the autopsy report under HFSC Med-Legal #15-3921.

20. Ramirez, Julian, Harris County District Attorney's Office, Criminal Justice Center, 1201 Franklin, Suite 600, Houston, Texas 77002-1901 (713-274-5800). May have knowledge of the criminal investigation and prosecutorial review of the events at issue in this lawsuit under HPD-Offense Reports #1419998-15, #1429042-15 and #1420547-15.

21. Salazar, A., Houston Forensic Science Center, Forensic Analysis Division, 1200 Travis, Houston, Texas 77002 (713-308-2600). May have knowledge of the criminal investigation of events at issue in this lawsuit under HPD-Offense Reports #1419998-15 and #1429042-15, including any forensic testing done under HFSC Forensic #2015-14993 and/or the autopsy report under HFSC Med-Legal #15-3921.

22. Schechter, Arthur, 3200 Travis, 3<sup>rd</sup> Floor, Houston, Texas 77006 (713-757-7811). May have knowledge of the Plaintiffs' injuries and damages that resulted from the alleged misconduct of the City Defendants.

23. Unknown staff, employees, representatives, agents and custodian of records for Houston Forensic Science Center, Forensic Analysis Division, 1200 Travis, Houston, Texas 77002 (713-308-2600). May have knowledge of the criminal investigation of events at issue in this lawsuit under HPD-Offense Reports #1419998-15 and #1429042-15, including any forensic testing done under HFSC Forensic #2015-14993 and/or the autopsy report under HFSC Med-Legal #15-3921.

24. Unknown staff, employees, representatives, agents, personnel and custodian of records for the Harris County District Attorney's Office, Criminal Justice Center, 1201 Franklin, Suite 600, Houston, Texas 77002-1901 (713-274-5800). May have knowledge of the criminal investigation and prosecutorial review of the events at issue in this lawsuit under HPD-Offense Reports #1419998-15, #1429042-15 and #1420547-15.

25. Unknown staff, employees, representatives, agents, personnel and custodian of records for Texas Attorney General's Office, 209 West 14<sup>th</sup> Street, P.O. Box 12548, Capitol Station, Austin, Texas 78711-2548 (512-463-2100). May have knowledge of the criminal investigation involving the events at issue in this lawsuit under HPD-Offense Reports #1419998-15, and #1429042-15.

26. Unknown staff, employees, representatives, agents, personnel and custodian of records for Columbia Life Insurance, Vestal Parkway East, P.O. Box 1381, Binghamton, New York 13902 (800-305-1335). Provided life insurance coverage to decedent, John Allen, Sr., and thus, may have knowledge of the events at issue in this lawsuit under HPD-Offense Reports #1419998-15, #1429042-15 and #1420547-15.

27. Unknown staff, employees, representatives, agents, personnel and custodian of records for RBEX Inc., dba Apple Towing Company, 2030 Holmes Road, Houston, Texas 77045 (713-383-6200). May have knowledge of the events that are the basis of this lawsuit.

28. Vaughn, Martha, 5231 Newkirk, Houston, Texas 77021 (phone number unknown). Mother of decedent who may testify about Plaintiffs' injuries and damages that resulted from the alleged misconduct of the City Defendants.

29. Wolf, Dwayne, Ph.D., Houston Forensic Science Center, Forensic Analysis Division, 1200 Travis, Houston, Texas 77002 (713-308-2600). Assistant medical examiner who may have knowledge of the autopsy conducted on decedent, John Allen, Sr., under HFSC Med-Legal #15-3921.

**All of the below listed individuals are commissioned peace officers for the State of Texas with the Houston Police Department ("HPD") or Houston Fire Department ("HFD"), or are civilian employees with HPD, and pursuant to Sections 55.117, and 55.175, Texas Government Code, the home address, home telephone numbers, personal identifying information and information concerning any spouse and children will not be disclosed. All of the below listed officers and employees of HPD and/or HFD are employees of Defendant City of Houston and arrangements to either contact or take depositions of any of the below listed individuals should be made by contacting the following attorney of record in this case: Jim Butt, Sr. Assistant City Attorney, City of Houston Legal Department, P.O. Box 368, Houston, Texas 77001 (832-393-6320).**

1. Adams, Jonathan, Houston Fire Department, 1801 Smith, 7<sup>th</sup> Floor, Houston, Texas 77002 (c/o Jim Butt: 832-393-6320). May have knowledge of the events that are the basis of this lawsuit and reports generated under HFD Report #1511040019.

2. Aguilera, S.A., Houston Police Department, 1200 Travis, Houston, Texas 77002 (c/o Jim Butt: 832-393-6320). Officer with HPD who may testify about his background, education, training, employment history, job duties and knowledge of HPD, authority of peace officers to act in various situations, as well as his involvement in and/or knowledge of the criminal investigation of events at issue in this lawsuit under HPD-Offense Reports #1419998-15, #1429042-15 and #1420547-15. May also testify about his knowledge, if any, of the administrative investigation of events at issue under HPD-IAD Issue Report #48832-2015.

3. Amezcua, Eddie, Houston Fire Department, 1801 Smith, 7<sup>th</sup> Floor, Houston, Texas 77002 (c/o Jim Butt: 832-393-6320). May have knowledge of the events that are the basis of this lawsuit and reports generated under HFD Report #1511040019.

4. Arnaud, Marc, Houston Fire Department, 1801 Smith, 7<sup>th</sup> Floor, Houston, Texas 77002 (c/o Jim Butt: 832-393-6320). May have knowledge of the events that are the basis of this lawsuit and reports generated under HFD Report #1511040019.

5. Arroyo, M., Houston Police Department, 1200 Travis, Houston, Texas 77002 (c/o Jim Butt: 832-393-6320). Officer with HPD who may testify about her background, education, training, employment history, job duties with HPD, authority of peace officers to act in various situations, duties and knowledge of the Homicide Division of HPD as well as her involvement in and/or

knowledge of the criminal investigation of events at issue in this lawsuit under HPD-Offense Reports #1419998-15, #1429042-15 and #1420547-15.

6. Baker, Alton, Houston Police Department, 1200 Travis, Houston, Texas 77002 (c/o Jim Butt: 832-393-6320). Officer with HPD who may testify about his background, education, training, employment history, job duties and knowledge of HPD, authority of peace officers to act in various situations, as well as his involvement in and/or knowledge of the criminal investigation of events at issue in this lawsuit under HPD-Offense Reports #1419998-15, #1429042-15 and #1420547-15. May also testify about his knowledge, if any, of the administrative investigation of events at issue under HPD-IAD Issue Report #48832-2015.

7. Bass, J., Houston Police Department, 1200 Travis, Houston, Texas 77002 (c/o Jim Butt: 832-393-6320). Officer with HPD who may testify about her background, education, training, employment history, job duties with HPD, authority of peace officers to act in various situations, as well as her involvement in and/or knowledge of the criminal investigation of events at issue in this lawsuit under HPD-Offense Reports #1419998-15, #1429042-15 and #1420547-15. May also testify about his knowledge, if any, of the administrative investigation of events at issue under HPD-IAD Issue Report #48832-2015.

8. Berry, Monica, Houston Police Department, 1200 Travis, Houston, Texas 77002 (c/o Jim Butt: 832-393-6320). Employee with HPD who may testify about her background, education, training, employment history, job duties with HPD, as well as her knowledge of open records requests made regarding the criminal investigation of events at issue in this lawsuit under HPD-Offense Reports #1419998-15, #1429042-15 and #1420547-15. May also testify about his knowledge, if any, of the administrative investigation of events at issue under HPD-IAD Issue Report #48832-2015.

9. Brewster, C.C., Houston Police Department, 1200 Travis, Houston, Texas 77002 (c/o Jim Butt: 832-393-6320). Officer with HPD who may testify about his background, education, training, employment history, job duties and knowledge of HPD, authority of peace officers to act in various situations, as well as his involvement in and/or knowledge of the criminal investigation of events at issue in this lawsuit under HPD-Offense Reports #1419998-15, #1429042-15 and #1420547-15. May also testify about his knowledge, if any, of the administrative investigation of events at issue under HPD-IAD Issue Report #48832-2015.

10. Burleson, John, Houston Fire Department, 1801 Smith, 7<sup>th</sup> Floor, Houston, Texas 77002 (c/o Jim Butt: 832-393-6320). May have knowledge of the events that are the basis of this lawsuit and reports generated under HFD Report #1511040019.

11. Childers, John, Houston Fire Department, 1801 Smith, 7<sup>th</sup> Floor, Houston, Texas 77002 (c/o Jim Butt: 832-393-6320). May have knowledge of the events that are the basis of this lawsuit and reports generated under HFD Report #1511040019.

12. Childs-Henry, Mary K., Houston Police Department, 1200 Travis, Houston, Texas 77002 (c/o Jim Butt: 832-393-6320). Officer with HPD who may testify about her background, education,



training, employment history, job duties with HPD, authority of peace officers to act in various situations, as well as her involvement in and/or knowledge of the criminal investigation of events at issue in this lawsuit under HPD-Offense Reports #1419998-15 and #1429042-15. May also testify about his knowledge, if any, of the administrative investigation of events at issue under HPD-IAD Issue Report #48832-2015.

13. Crawford, J.M., Houston Police Department, 1200 Travis, Houston, Texas 77002 (c/o Jim Butt: 832-393-6320). Sergeant with HPD who may testify about his background, education, training, employment history, job duties with HPD, authority of peace officers to act in various situations, duties and responsibilities as a supervisor with HPD, his involvement in and/or knowledge of the criminal investigation of events at issue in this lawsuit under HPD-Offense Reports #1419998-15, #1429042-15 and #1420547-15. May also testify about his knowledge, if any, of the administrative investigation of events at issue under HPD-IAD Issue Report #48832-2015.

14. Custodian of Records for Houston Fire Department, 1801 Smith, 7<sup>th</sup> Floor, Houston, Texas 77002 (c/o Jim Butt: 832-393-6320). Custodian is expected to testify that HFD Report #1511040019, including but not limited to all reports, supplemental reports, witness statements, investigation supplements, and all other records or documents contained in said case file are business records and records of regularly conducted activity within the meaning of the Federal Rules of Evidence.

15. Custodian of Records for Houston Police Department, 1200 Travis, Houston, Texas 77002 (c/o Jim Butt: 832-393-6320). Custodian is expected to testify that HPD-Offense Reports #1419998-15, #1429042-15 and #1420547-15, as well as HPD-IAD Issue Report #48832-2015, including but not limited to all reports, supplemental reports, witness statements, investigation supplements, call-taker tapes, dispatch tapes, all photographs, all videos, and all other records or documents contained in said case files are business records and records of regularly conducted activity within the meaning of the Federal Rules of Evidence.

16. DeLaRosa, Roger, Houston Police Department, 1200 Travis, Houston, Texas 77002 (c/o Jim Butt: 832-393-6320). Officer with HPD who may testify about his background, education, training, employment history, job duties with HPD, authority of peace officers to act in various situations, as well as his involvement in and/or knowledge of the administrative investigation conducted by Internal Affairs under HPD IAD Issue #48832-2015. May also testify about his knowledge, if any, of the criminal investigation of the events at issue in this lawsuit under HPD-Offense Reports #1419998-15, #1429042-15 and #1420547-15.

17. Dominguez, J., Houston Police Department, 1200 Travis, Houston, Texas 77002 (c/o Jim Butt: 832-393-6320). Officer with HPD who may testify about his background, education, training, employment history, job duties and knowledge of HPD, authority of peace officers to act in various situations, as well as his involvement in and/or knowledge of the criminal investigations of events at issue in this lawsuit under HPD-Offense Reports #1419998-15, #1429042-15 and #1420547-15. May also testify about his knowledge, if any, of the administrative investigation of events at issue under HPD-IAD Issue Report #48832-2015.

18. Garza, Roberto, Houston Fire Department, 1801 Smith, 7<sup>th</sup> Floor, Houston, Texas 77002 (c/o Jim Butt: 832-393-6320). May have knowledge of the events that are the basis of this lawsuit and reports generated under HFD Report #1511040019.

19. Guajardo, Demetria, Houston Police Department, c/o Jim Butt, City of Houston Legal Department, P.O. Box 368, Houston, Texas 77001 (832-393-6320). Former employee with HPD who may testify about her background, education, training, employment history, job duties with HPD, authority of peace officers to act in various situations, as well as her involvement in and/or knowledge of the criminal investigation of events at issue in this lawsuit under HPD-Offense Reports #1419998-15 and #1429042-15. May also testify about his knowledge, if any, of the administrative investigation of events at issue under HPD-IAD Issue Report #48832-2015.

20. Guerrero, Efrain, Houston Fire Department, 1801 Smith, 7<sup>th</sup> Floor, Houston, Texas 77002 (c/o Jim Butt: 832-393-6320). May have knowledge of the events that are the basis of this lawsuit and reports generated under HFD Report #1511040019.

21. Guzman, J., Houston Police Department, 1200 Travis, Houston, Texas 77002 (c/o Jim Butt: 832-393-6320). Officer with HPD who may testify about his background, education, training, employment history, job duties and knowledge of HPD, authority of peace officers to act in various situations, as well as his involvement in and/or knowledge of the criminal investigation of events at issue in this lawsuit under HPD-Offense Reports #1419998-15, #1429042-15 and #1420547-15. May also testify about his knowledge, if any, of the administrative investigation of events at issue under HPD-IAD Issue Report #48832-2015.

22. Hayes, Justin, Houston Police Department, 1200 Travis, Houston, Texas 77002 (c/o Jim Butt: 832-393-6320). Defendant who is expected to testify about his background, education and training, employment history, job duties and knowledge of HPD, as well as his actions and participation in the events that are the basis of this lawsuit.

23. Holbrook, M.L., Houston Police Department, 1200 Travis, Houston, Texas 77002 (c/o Jim Butt: 832-393-6320). Sergeant with HPD who may testify about her background, education, training, employment history, job duties with HPD, authority of peace officers to act in various situations, duties and responsibilities as a supervisor with HPD as well as her involvement in and/or knowledge of the criminal investigation of events at issue in this lawsuit under HPD-Offense Reports #1419998-15, #1429042-15 and #1420547-15. May also testify about his knowledge, if any, of the administrative investigation of events at issue under HPD-IAD Issue Report #48832-2015.

24. Hurban, Matthew, Houston Police Department, 1200 Travis, Houston, Texas 77002 (c/o Jim Butt: 832-393-6320). Officer with HPD who may testify about his background, education, training, employment history, job duties and knowledge of HPD, authority of peace officers to act in various situations, as well as his involvement in and/or knowledge of the criminal investigation of events at issue in this lawsuit under HPD-Offense Reports #1419998-15, #1429042-15 and #1420547-15. May also testify about his knowledge, if any, of the administrative investigation of events at issue under HPD-IAD Issue Report #48832-2015.



25. Hynninen, Philip, Houston Fire Department, 1801 Smith, 7<sup>th</sup> Floor, Houston, Texas 77002 (c/o Jim Butt: 832-393-6320). May have knowledge of the events that are the basis of this lawsuit and reports generated under HFD Report #1511040019.

26. Ivy, Danielle, Houston Fire Department, 1801 Smith, 7<sup>th</sup> Floor, Houston, Texas 77002 (c/o Jim Butt: 832-393-6320). May have knowledge of the events that are the basis of this lawsuit and reports generated under HFD Report #1511040019.

27. Jones, Jay, Houston Police Department, c/o Jim Butt, City of Houston Legal Department, P.O. Box 368, Houston, Texas 77001 (832-393-6320). Former Captain with HPD who may testify about his background, education, training, employment history, job duties with HPD, authority of peace officers to act in various situations, duties and responsibilities as a supervisor with the Homicide Division of HPD as well as his involvement in and/or knowledge of the criminal investigation of events at issue in this lawsuit under HPD-Offense Reports #1419998-15, #1429042-15 and #1420547-15. He may offer opinions regarding the actions of Defendant Justin Hayes at the time in question, and that HPD does not maintain a custom, policy or practice of conscience, deliberate indifference to the citizens of the City of Houston, including the decedent and Plaintiffs. He may offer an opinion that no policy, custom or practice of the City of Houston was the moving force behind nor the actual cause of the Plaintiffs' alleged injuries and that the training, supervision and discipline of HPD police officers is constitutionally sufficient, and that no alleged lack of training, supervision or discipline was the moving force behind any of Plaintiffs' alleged injuries.

28. Kong, Ross, Houston Police Department, 1200 Travis, Houston, Texas 77002 (c/o Jim Butt: 832-393-6320). Officer with HPD who may testify about his background, education, training, employment history, job duties with HPD, authority of peace officers to act in various situations, as well as his involvement in and/or knowledge of the criminal investigation of events at issue in this lawsuit under HPD-Offense Reports #1419998-15 and #1429042-15. May also testify about his knowledge, if any, of the administrative investigation of events at issue under HPD-IAD Issue Report #48832-2015.

29. Lamunyon, C., Houston Police Department, 1200 Travis, Houston, Texas 77002 (c/o Jim Butt: 832-393-6320). Officer with HPD who may testify about his background, education, training, employment history, job duties and knowledge of HPD, authority of peace officers to act in various situations, as well as his involvement in and/or knowledge of the criminal investigation of events at issue in this lawsuit under HPD-Offense Reports #1419998-15, #1429042-15 and #1420547-15. May also testify about his knowledge, if any, of the administrative investigation of events at issue under HPD-IAD Issue Report #48832-2015.

30. Lopez, Jose, Houston Police Department, 1200 Travis, Houston, Texas 77002 (c/o Jim Butt: 832-393-6320). Officer with HPD who may testify about his background, education, training, employment history, job duties and knowledge of HPD, authority of peace officers to act in various situations, as well as his involvement in and/or knowledge of the criminal investigation of events at issue in this lawsuit under HPD-Offense Reports #1419998-15, #1429042-15 and #1420547-15.

May also testify about his knowledge, if any, of the administrative investigation of events at issue under HPD-IAD Issue Report #48832-2015.

31. Mahoney, R.L., Houston Police Department, 1200 Travis, Houston, Texas 77002 (c/o Jim Butt: 832-393-6320). Officer with HPD who may testify about his background, education, training, employment history, job duties and knowledge of HPD, authority of peace officers to act in various situations, as well as his involvement in and/or knowledge of the criminal investigation of events at issue in this lawsuit under HPD-Offense Reports #1419998-15, #1429042-15 and #1420547-15. May also testify about his knowledge, if any, of the administrative investigation of events at issue under HPD-IAD Issue Report #48832-2015.

32. McClelland, Charles, Houston Police Department, c/o Jim Butt, City of Houston Legal Department, P.O. Box 368, Houston, Texas 77001 (832-393-6320). Former police chief for HPD at the time of the events at issue in this lawsuit. He may testify about his background, education, training, employment history, job duties with HPD, authority of peace officers to act in various situations, duties and responsibilities as a supervisor with HPD, his knowledge of the criminal investigation of the events at issue in this lawsuit under HPD-Offense Reports #1419998-15, #1429042-15 and #1420547-15, as well as his knowledge, if any, of the administrative investigation of events at issue under HPD-IAD Issue Report #48832-2015.. He may offer opinions regarding the actions of Defendant Justin Hayes at the time in question, and that HPD does not maintain a custom, policy or practice of conscience, deliberate indifference to the citizens of the City of Houston, including the decedent and Plaintiffs. He may offer an opinion that no policy, custom or practice of the City of Houston was the moving force behind nor the actual cause of the Plaintiffs' alleged injuries and that the training, supervision and discipline of HPD police officers is constitutionally sufficient, and that no alleged lack of training, supervision or discipline was the moving force behind any of Plaintiffs' alleged injuries.

33. McGee, J.A., Houston Police Department, 1200 Travis, Houston, Texas 77002 (c/o Jim Butt: 832-393-6320). Officer with HPD who may testify about his background, education, training, employment history, job duties and knowledge of HPD, authority of peace officers to act in various situations, as well as his involvement in and/or knowledge of the criminal investigation of events at issue in this lawsuit under HPD-Offense Reports #1419998-15 and #1429042-15, including any actions taken by crime scene, reports completed or testing done under HFSC Forensic #2015-14993. May also testify about his knowledge, if any, of the administrative investigation of events at issue under HPD-IAD Issue Report #48832-2015.

34. McKinney, D.R., Houston Police Department, c/o Jim Butt, City of Houston Legal Department, P.O. Box 368, Houston, Texas 77001 (832-393-6320). Former assistant chief for HPD at the time of the events at issue in this lawsuit. He may testify about his background, education, training, employment history, job duties with HPD, authority of peace officers to act in various situations, duties and responsibilities as a supervisor with HPD as well as his knowledge of the criminal investigation of the events at issue in this lawsuit under HPD-Offense Reports #1419998-15, #1429042-15 and #1420547-15, as well as his knowledge, if any, of the administrative investigation of events at issue under HPD-IAD Issue Report #48832-2015. He may offer opinions regarding the actions of Defendant Justin Hayes at the time in question, and

that HPD does not maintain a custom, policy or practice of conscience, deliberate indifference to the citizens of the City of Houston, including the decedent and Plaintiffs. He may offer an opinion that no policy, custom or practice of the City of Houston was the moving force behind nor the actual cause of the Plaintiffs' alleged injuries and that the training, supervision and discipline of HPD police officers is constitutionally sufficient, and that no alleged lack of training, supervision or discipline was the moving force behind any of Plaintiffs' alleged injuries.

35. Meek, K.L., Houston Police Department, 1200 Travis, Houston, Texas 77002 (c/o Jim Butt: 832-393-6320). Sergeant with HPD who may testify about her background, education, training, employment history, job duties with HPD, authority of peace officers to act in various situations, duties and knowledge of the Homicide Division of HPD as well as her involvement in and/or knowledge of the criminal investigation of events at issue in this lawsuit under HPD-Offense Reports #1419998-15, #1429042-15 and #1420547-15.

36. Meeler, Warren, Houston Police Department, 1200 Travis, Houston, Texas 77002 (c/o Jim Butt: 832-393-6320). Lieutenant with HPD who may testify about his background, education, training, employment history, job duties with HPD, authority of peace officers to act in various situations, duties and responsibilities as a supervisor with the Homicide Division of HPD as well as his involvement in and/or knowledge of the criminal investigation of events at issue in this lawsuit under HPD-Offense Reports #1419998-15, #1429042-15 and #1420547-15. He may offer opinions regarding the actions of Defendant Justin Hayes at the time in question, and that HPD does not maintain a custom, policy or practice of conscience, deliberate indifference to the citizens of the City of Houston, including the decedent and Plaintiffs. He may offer an opinion that no policy, custom or practice of the City of Houston was the moving force behind nor the actual cause of the Plaintiffs' alleged injuries and that the training, supervision and discipline of HPD police officers is constitutionally sufficient, and that no alleged lack of training, supervision or discipline was the moving force behind any of Plaintiffs' alleged injuries.

37. Mitchell, Eric, Houston Fire Department, 1801 Smith, 7<sup>th</sup> Floor, Houston, Texas 77002 (c/o Jim Butt: 832-393-6320). May have knowledge of the events that are the basis of this lawsuit and reports generated under HFD Report #1511040019.

38. Morelli, Diego, Houston Police Department, 1200 Travis, Houston, Texas 77002 (c/o Jim Butt: 832-393-6320). Officer with HPD who may testify about his background, education, training, employment history, job duties and knowledge of HPD, authority of peace officers to act in various situations, as well as his involvement in and/or knowledge of the criminal investigation of events at issue in this lawsuit under HPD-Offense Reports #1419998-15, #1429042-15 and #1420547-15. May also testify about his knowledge, if any, of the administrative investigation of events at issue under HPD-IAD Issue Report #48832-2015.

39. Morley, B., Houston Police Department, 1200 Travis, Houston, Texas 77002 (c/o Jim Butt: 832-393-6320). Officer with HPD who may testify about his background, education, training, employment history, job duties and knowledge of HPD, authority of peace officers to act in various situations, as well as his involvement in and/or knowledge of the criminal investigation of events at issue in this lawsuit under HPD-Offense Reports #1419998-15, #1429042-15 and #1420547-15.

May also testify about his knowledge, if any, of the administrative investigation of events at issue under HPD-IAD Issue Report #48832-2015.

40. Noftsier, Richard, Houston Police Department, 1200 Travis, Houston, Texas 77002 (c/o Jim Butt: 832-393-6320). Officer with HPD who may testify about his background, education, training, employment history, job duties with HPD, authority of peace officers to act in various situations, as well as his involvement in and/or knowledge of the criminal investigation of events at issue in this lawsuit under HPD-Offense Reports #1419998-15 and #1429042-15. May also testify about his knowledge, if any, of the administrative investigation of events at issue under HPD-IAD Issue Report #48832-2015.

41. Oettmeier, T.N., Houston Police Department, c/o Jim Butt, City of Houston Legal Department, P.O. Box 368, Houston, Texas 77001 (832-393-6320). Former assistant chief for HPD at the time of the events at issue in this lawsuit. He may testify about his background, education, training, employment history, job duties with HPD, authority of peace officers to act in various situations, duties and responsibilities as a supervisor with HPD, his knowledge of the criminal investigation of the events at issue in this lawsuit under HPD-Offense Reports #1419998-15, #1429042-15 and #1420547-15, as well as his knowledge, if any, of the administrative investigation of events at issue under HPD-IAD Issue Report #48832-2015. He may offer opinions regarding the actions of Defendant Justin Hayes at the time in question, and that HPD does not maintain a custom, policy or practice of conscience, deliberate indifference to the citizens of the City of Houston, including the decedent and Plaintiffs. He may offer an opinion that no policy, custom or practice of the City of Houston was the moving force behind nor the actual cause of the Plaintiffs' alleged injuries and that the training, supervision and discipline of HPD police officers is constitutionally sufficient, and that no alleged lack of training, supervision or discipline was the moving force behind any of Plaintiffs' alleged injuries.

42. Oliphant, Jason, Houston Police Department, 1200 Travis, Houston, Texas 77002 (c/o Jim Butt: 832-393-6320). Officer with HPD who may testify about his background, education, training, employment history, job duties with HPD, authority of peace officers to act in various situations, as well as his involvement in and/or knowledge of the criminal investigation of events at issue in this lawsuit under HPD-Offense Reports #1419998-15, #1420547-15 and #1429042-15, including any actions taken by crime scene, reports completed or testing done under HFSC Forensic #2015-14993.

43. Orozco, A., Houston Police Department, 1200 Travis, Houston, Texas 77002 (c/o Jim Butt: 832-393-6320). Sergeant with HPD who may testify about his background, education, training, employment history, job duties with HPD, authority of peace officers to act in various situations, duties and responsibilities as a supervisor with HPD Internal Affairs as well as his involvement in and/or knowledge of the administrative investigation by Internal Affairs under HPD IAD Issue #48832-2015. May also testify about his knowledge, if any, of the criminal investigation of the events at issue in this lawsuit under HPD-Offense Reports #1419998-15, #1420547-15 and #1429042-15.

44. Palatino, A., Houston Police Department, 1200 Travis, Houston, Texas 77002 (c/o Jim Butt: 832-393-6320). Officer with HPD who may testify about his background, education, training, employment history, job duties with HPD, authority of peace officers to act in various situations, as well as his involvement in and/or knowledge of the criminal investigation of events at issue in this lawsuit under HPD-Offense Reports #1419998-15, #1429042-15 and #1420547-15. May also testify about his knowledge, if any, of the administrative investigation of events at issue under HPD-IAD Issue Report #48832-2015.

45. Pierrel, Thomas, Houston Fire Department, 1801 Smith, 7<sup>th</sup> Floor, Houston, Texas 77002 (c/o Jim Butt: 832-393-6320). May have knowledge of the events that are the basis of this lawsuit and reports generated under HFD Report #1511040019.

46. Ravizza, Robert, Houston Fire Department, 1801 Smith, 7<sup>th</sup> Floor, Houston, Texas 77002 (c/o Jim Butt: 832-393-6320). May have knowledge of the events that are the basis of this lawsuit and reports generated under HFD Report #1511040019.

47. Ready, D.W., Houston Police Department, 1200 Travis, Houston, Texas 77002 (c/o Jim Butt: 832-393-6320). Captain with HPD who may testify about his background, education, training, employment history, job duties with HPD, authority of peace officers to act in various situations, duties and responsibilities as a supervisor with the Homicide Division of HPD as well as his involvement in and/or knowledge of the criminal investigation of events at issue in this lawsuit under HPD-Offense Reports #1419998-15, #1429042-15 and #1420547-15. He may offer opinions regarding the actions of Defendant Justin Hayes at the time in question, and that HPD does not maintain a custom, policy or practice of conscience, deliberate indifference to the citizens of the City of Houston, including the decedent and Plaintiffs. He may offer an opinion that no policy, custom or practice of the City of Houston was the moving force behind nor the actual cause of the Plaintiffs' alleged injuries and that the training, supervision and discipline of HPD police officers is constitutionally sufficient, and that no alleged lack of training, supervision or discipline was the moving force behind any of Plaintiffs' alleged injuries.

48. Riggs, D.A., Houston Police Department, 1200 Travis, Houston, Texas 77002 (c/o Jim Butt: 832-393-6320). Officer with HPD who may testify about his background, education, training, employment history, job duties and knowledge of HPD, authority of peace officers to act in various situations, as well as his involvement in and/or knowledge of the criminal investigation of events at issue in this lawsuit under HPD-Offense Reports #1419998-15, #1429042-15 and #1420547-15. May also testify about his knowledge, if any, of the administrative investigation of events at issue under HPD-IAD Issue Report #48832-2015.

49. Rivas, R., Houston Police Department, 1200 Travis, Houston, Texas 77002 (c/o Jim Butt: 832-393-6320). Officer with HPD who may testify about his background, education, training, employment history, job duties and knowledge of HPD, authority of peace officers to act in various situations, as well as his involvement in and/or knowledge of the criminal investigation of events at issue in this lawsuit under HPD-Offense Reports #1419998-15, #1429042-15 and #1420547-15. May also testify about his knowledge, if any, of the administrative investigation of events at issue under HPD-IAD Issue Report #48832-2015.



50. Salina, Tyler, Houston Police Department, 1200 Travis, Houston, Texas 77002 (c/o Jim Butt: 832-393-6320). Officer with HPD who may testify about his background, education, training, employment history, job duties and knowledge of HPD, authority of peace officers to act in various situations, as well as his involvement in and/or knowledge of the criminal investigation of events at issue in this lawsuit under HPD-Offense Reports #1419998-15, #1429042-15 and #1420547-15. May also testify about his knowledge, if any, of the administrative investigation of events at issue under HPD-IAD Issue Report #48832-2015.

51. Senties, Victor, Houston Police Department, 1200 Travis, Houston, Texas 77002 (c/o Jim Butt: 832-393-6320). Officer with HPD who may testify about his background, education, training, employment history, job duties and knowledge of HPD, authority of peace officers to act in various situations, as well as his involvement in and/or knowledge of the criminal investigation of events at issue in this lawsuit under HPD-Offense Reports #1419998-15, #1429042-15 and #1420547-15. May also testify about his knowledge, if any, of the administrative investigation of events at issue under HPD-IAD Issue Report #48832-2015.

52. Sneed, Jeffrey, Houston Police Department, 1200 Travis, Houston, Texas 77002 (c/o Jim Butt: 832-393-6320). Officer with HPD who may testify about his background, education, training, employment history, job duties and knowledge of HPD, authority of peace officers to act in various situations, as well as his involvement in and/or knowledge of the criminal investigation of events at issue in this lawsuit under HPD-Offense Reports #1419998-15, #1429042-15 and #1420547-15. May also testify about his knowledge, if any, of the administrative investigation of events at issue under HPD-IAD Issue Report #48832-2015.

53. Stengle, K., Houston Police Department, c/o Jim Butt, City of Houston Legal Department, P.O. Box 368, Houston, Texas 77001 (832-393-6320). Former employee with HPD who may testify about his background, education, training, employment history, job duties with HPD, authority of peace officers to act in various situations, as well as his involvement in and/or knowledge of the criminal investigation of events at issue in this lawsuit under HPD-Offense Reports #1419998-15, #1420547-15 and #1429042-15. May also testify about his knowledge, if any, of the administrative investigation of events at issue under HPD-IAD Issue Report #48832-2015.

54. Stephens, M.M., Houston Police Department, 1200 Travis, Houston, Texas 77002 (c/o Jim Butt: 832-393-6320). Officer with HPD who may testify about his background, education, training, employment history, job duties and knowledge of HPD, authority of peace officers to act in various situations, as well as his involvement in and/or knowledge of the criminal investigation of events at issue in this lawsuit under HPD-Offense Reports #1419998-15, #1429042-15 and #1420547-15. May also testify about his knowledge, if any, of the administrative investigation of events at issue under HPD-IAD Issue Report #48832-2015.

55. Sweet, R, Houston Police Department, 1200 Travis, Houston, Texas 77002 (c/o Jim Butt: 832-393-6320). Lieutenant with HPD who may testify about his background, education, training, employment history, job duties with HPD, authority of peace officers to act in various situations,

duties and responsibilities as a supervisor with HPD as well as his involvement in and/or knowledge of the criminal investigation of events at issue in this lawsuit under HPD-Offense Reports #1419998-15, #1429042-15 and #1420547-15. May also testify about his knowledge, if any, of the administrative investigation of events at issue under HPD-IAD Issue Report #48832-2015.

56. Thorp, S.A., Houston Police Department, 1200 Travis, Houston, Texas 77002 (c/o Jim Butt: 832-393-6320). Officer with HPD who may testify about his background, education, training, employment history, job duties and knowledge of HPD, authority of peace officers to act in various situations, as well as his involvement in and/or knowledge of the criminal investigation of events at issue in this lawsuit under HPD-Offense Reports #1419998-15, #1429042-15 and #1420547-15. May also testify about his knowledge, if any, of the administrative investigation of events at issue under HPD-IAD Issue Report #48832-2015.

57. Unknown staff, employees, representatives, agents and personnel at Houston Police Department Internal Affairs Division, 1200 Travis, Houston, Texas 77002 (c/o Jim Butt: 832-393-6320). May have knowledge of the criminal investigation of the events at issue in this lawsuit under HPD-Offense Reports #1419998-15, #1429042-15 and #1420547-15, as well as the administrative investigation of events at issue under HPD-IAD Issue Report #48832-2015.

58. Unknown staff, employees, representatives, agents and personnel at Houston Police Department Crime Reduction Unit, 1200 Travis, Houston, Texas 77002 (c/o Jim Butt: 832-393-6320). May have knowledge of the criminal investigation of the events at issue in this lawsuit under HPD-Offense Reports #1419998-15, #1429042-15 and #1420547-15.

59. Unknown staff, employees, representatives, agents and personnel at Houston Fire Department, 1801 Smith, 7<sup>th</sup> Floor, Houston, Texas 77002 (c/o Jim Butt: 832-393-6320). May have knowledge of the events that are the basis of this lawsuit and reports generated under HFD Report #1511040019.

60. Unknown staff, employees, representatives, agents, and personnel at Houston Police Department Homicide Division, 1200 Travis, Houston, Texas 77002 (c/o Jim Butt: 832-393-6320). May have knowledge of the criminal investigation of the events at issue in this lawsuit under HPD-Offense Reports #1419998-15, #1429042-15 and #1420547-15.

61. Unknown staff, employees, representatives, agents, and personnel at Houston Police Department, 1200 Travis, Houston, Texas 77002 (c/o Jim Butt: 832-393-6320). May have knowledge of the criminal investigation of the events at issue in this lawsuit under HPD-Offense Reports #1419998-15, #1429042-15 and #1420547-15, as well as the administrative investigation of events at issue under HPD-IAD Issue Report #48832-2015.

62. Vela, P., Houston Police Department, 1200 Travis, Houston, Texas 77002 (c/o Jim Butt: 832-393-6320). Officer with HPD who may testify about his background, education, training, employment history, job duties with HPD, authority of peace officers to act in various situations, as well as his involvement in and/or knowledge of the criminal investigation of events at issue in

this lawsuit under HPD-Offense Reports #1419998-15, #1429042-15 and #1420547-15. May also testify about his knowledge, if any, of the administrative investigation of events at issue under HPD-IAD Issue Report #48832-2015.

63. Verbitskey, L.R., Houston Police Department, 1200 Travis, Houston, Texas 77002 (c/o Jim Butt: 832-393-6320). Officer with HPD who may testify about his background, education, training, employment history, job duties with HPD, authority of peace officers to act in various situations, as well as his involvement in and/or knowledge of the criminal investigation of events at issue in this lawsuit under HPD-Offense Reports #1419998-15, #1429042-15 and #1420547-15. May also testify about his knowledge, if any, of the administrative investigation of events at issue under HPD-IAD Issue Report #48832-2015.

64. Wells, S.A., Houston Police Department, 1200 Travis, Houston, Texas 77002 (c/o Jim Butt: 832-393-6320). Officer with HPD who may testify about his background, education, training, employment history, job duties and knowledge of HPD, authority of peace officers to act in various situations, as well as his involvement in and/or knowledge of the criminal investigation of events at issue in this lawsuit under HPD-Offense Reports #1419998-15, #1429042-15 and #1420547-15. May also testify about his knowledge, if any, of the administrative investigation of events at issue under HPD-IAD Issue Report #48832-2015.

65. Winebrenner, Kent, Houston Police Department, 1200 Travis, Houston, Texas 77002 (c/o Jim Butt: 832-393-6320). Officer with HPD who may testify about his background, education, training, employment history, job duties and knowledge of HPD, authority of peace officers to act in various situations, as well as his involvement in and/or knowledge of the criminal investigation of events at issue in this lawsuit under HPD-Offense Reports #1419998-15, #1429042-15 and #1420547-15. May also testify about his knowledge, if any, of the administrative investigation of events at issue under HPD-IAD Issue Report #48832-2015.

66. Woodard, C., Houston Police Department, 1200 Travis, Houston, Texas 77002 (c/o Jim Butt: 832-393-6320). Officer with HPD who may testify about his background, education, training, employment history, job duties with HPD, authority of peace officers to act in various situations, as well as his involvement in and/or knowledge of the criminal investigation of events at issue in this lawsuit under HPD-Offense Reports #1419998-15, #1429042-15 and 1420547-15, and his knowledge of the decedent's prior criminal history. May also testify about his knowledge, if any, of the administrative investigation of events at issue under HPD-IAD Issue Report #48832-2015.

67. Young, R.D., Houston Police Department, 1200 Travis, Houston, Texas 77002 (c/o Jim Butt: 832-393-6320). Officer with HPD who may testify about his background, education, training, employment history, job duties with HPD, authority of peace officers to act in various situations, as well as his involvement in and/or knowledge of the criminal investigation of events at issue in this lawsuit under HPD-Offense Reports #1419998-15, #1429042-15 and #1420547-15. May also testify about his knowledge, if any, of the administrative investigation of events at issue under HPD-IAD Issue Report #48832-2015.

68. Zimmerman, Jason, Houston Police Department, 1200 Travis, Houston, Texas 77002 (c/o Jim Butt: 832-393-6320). Officer with HPD who may testify about his background, education, training, employment history, job duties and knowledge of HPD, authority of peace officers to act in various situations, as well as his involvement in and/or knowledge of the criminal investigation of events at issue in this lawsuit under HPD-Offense Reports #1419998-15, #1429042-15 and #1420547-15. May also testify about his knowledge, if any, of the administrative investigation of events at issue under HPD-IAD Issue Report #48832-2015.

**B. Documents That Support Claims or Defenses (Rule 26(a)(1)(A)(ii)):**

1. City Defendants have previously produced the below listed files on a thumb drive to Plaintiffs on or about February 23, 2018. The below listed files are subject to the protective order entered by the Court on or about February 14, 2018 [Doc. #7-minute entry stating nondisclosure granted].

- HPD-Offense Report #1419998-15  
[Bates #COH/ALLEN/001091-001148]
- HPD-Offense Report #1429042-15  
[Bates #COH/ALLEN/001163-001172]
- HPD-Offense Report #1420547-15  
[Bates #COH/ALLEN/001149-001162]
- HPD Report #0633334-13  
[Bates #COH/ALLEN/001203-001206]
- HPD Report #1121010-13  
[Bates #COH/ALLEN/001207-001210]
- HPD Report #0280612-14  
[Bates #COH/ALLEN/001193-001198]
- HPD Report #043347-14  
[Bates #COH/ALLEN/001199-001202]
- HPD Report #1182943-14  
[Bates #COH/ALLEN/001173-001192]
- HPD-IAD Issue #48832-2015  
[Bates #COH/ALLEN/000001-000287]
- Harris County Institute Forensic Sciences-Autopsy Report #ML15-3921  
[Bates #COH/ALLEN/000264-000278]

2. The following documents are not subject to the Court's protective order and being produced for the first time with these supplemental responses:

- HPD General Order #200-03 (investigations of employee misconduct)  
[Bates #COH/ALLEN/001965-001972]
- HPD General Order #200-08 (conduct and authority)  
[Bates #COH/ALLEN/001973-001979]
- HPD General Order #600-17 (use of force)  
[Bates #COH/ALLEN/001980-001995]

3. The below listed categories of documents are located in the Vernon's Annotated Texas Statutes, which are equally accessible and available to the Plaintiffs:

a. Texas Code of Criminal Procedure

- Article 2.12 Who are Peace Officers
- Article 2.13 Duties and Powers
- Article 6.05 Duty of Police Officers as to Threats
- Article 6.06 Peace Officers to Prevent Injury
- Article 6.07 Conduct of Peace Officer
- Article 14.01 Offense Within View
- Article 14.03 Authority of Peace Officers
- Article 14.05 Rights of Officer
- Article 15.22 When a Person is Arrested
- Article 15.23 Time of Arrest
- Article 15.24 What Force May Be Used

b. Texas Penal Code

- Section 1.07(a)(36) Definition of Peace officer
- Section 2.03 Defense
- Section 2.04 Affirmative Defense



- Section 9.04 Threats as Justifiable Force
- Section 9.21 Public Duty
- Section 9.22 Necessity
- Section 9.31 Self-Defense
- Section 9.32 Deadly Force in Defense of Person
- Section 9.33 Defense of Third Person
- Section 9.51 Arrest and Search
- Section 15.01 Criminal Attempt
- Section 22.02 Aggravated Assault

**C. Calculation of Each Damage Claimed (Rule 26(a)(1)(A)(iii)):**

City Defendants are not seeking damages in this action.

**D. Insurance Agreements (Rule 26(a)(1)(A)(iv)):**

1. With respect to the City of Houston, there is no insurance agreement that would satisfy part or all of any judgement which may be entered in this case.

2. With respect to Officer Hayes, there is no insurance agreement that would satisfy part or all of any judgment which may be entered in this case against him. Pursuant to TX Code of Ordinance Section 2-304, the City of Houston is obligated to indemnify the named defendant police officer for damages up to \$100,000 to any one person or \$300,000 for any single occurrence of personal injury. See TX Code of Ordinance Section 2-304, which is equally accessible to Plaintiffs online at [www.houstontx.gov/codes](http://www.houstontx.gov/codes).

Respectfully submitted,

RONALD C. LEWIS  
City Attorney

KELLY DEMPSEY  
Chief, Torts/Civil Rights Section

Date: June 26, 2020.

By: /s/ James C. Butt  
JAMES C. BUTT  
Senior Assistant City Attorney  
ATTORNEY-IN-CHARGE  
State Bar No. 24040354  
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Fax: 832.393.6259

**ATTORNEYS FOR DEFENDANT  
CITY OF HOUSTON & J.T. HAYES**

**CERTIFICATE OF SERVICE**

I certify that, pursuant to the Federal Rules of Civil Procedure, a true copy of the instrument to which this certificate is attached was served via email and certified mail to the following:

Debra V. Jennings  
6140 HWY 6, #269  
Missouri City, Texas 77459  
[lawyerdvj@gmail.com](mailto:lawyerdvj@gmail.com)

U.A. Lewis  
99 Detering, Suite #101  
Houston, Texas 77002  
[myattorneyatlaw@gmail.com](mailto:myattorneyatlaw@gmail.com)

/s/ James C. Butt  
James C. Butt